

REMARKS

In the Office Action dated April 10, 2006, the Examiner stated that “restriction to one of the following inventions is required under 35 U.S.C. 121.”

- I. Claims 1-13, drawn to a process, classified in class 423, subclass 239.1.
- II. Claims 14-22, drawn to an apparatus, classified in class 423, subclass 210.

The Examiner asserted, in part, that Groups I and II are distinct from one another because they are “related as process and apparatus for its practice.” Specifically, the Examiner asserts that “the apparatus as claimed can be used for hydrocarbon conversion.” Applicants traverse the Examiner’s restriction requirement and seek favorable reconsideration and withdrawal of this restriction requirement in view of the following remarks.

A criterion for establishing a proper restriction requirement is whether “[t]here would be a serious burden on the examiner if restriction is not required.” *M.P.E.P.* § 803(I). If a search and examination of the application can be made without a serious burden, “the examiner must examine it on the merits,” even if the claims are directed to independent or distinct inventions. *M.P.E.P.* § 803 (emphasis supplied). A showing of serious burden can be rebutted by applicants with appropriate showings or evidence. *M.P.E.P.* § 803(II).

Assuming arguendo that the Examiner has established that the claims are drawn to distinct inventions, Applicants respectfully submit that the search required to properly examine either the claims in Group I or the claims in Group II would necessarily involve a search overlapping class/subclasses 423/210 and 423/239.1. Independent claim 1 (Group I) claims a method for treating an exhaust gas containing ammonia and metalorganic vapor “comprising: partially removing the metalorganic vapor from the exhaust gas; and exposing the exhaust gas to an ammonia decomposition catalyst.” Independent claim 14 (Group II) similarly claims an apparatus for treating an exhaust gas containing ammonia and metalorganic vapor “comprising: means for partially removing the metalorganic vapor from the exhaust gas, and means for exposing the exhaust gas to an ammonia decomposition catalyst. Accordingly, the subject matter of claims 1 and 14 necessarily overlaps as further evidenced by the fact that the claims of Groups I and II fall within the same class (i.e. 423).

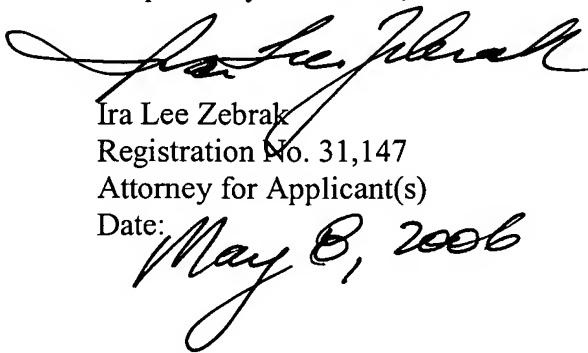
Likewise, independent claim 4 (Group I) claims a method for treating an exhaust gas containing ammonia and metalorganic vapor “comprising: exposing the exhaust gas to a heated

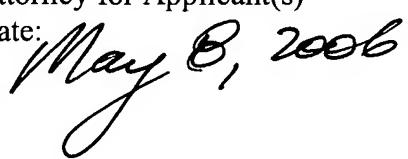
bed of material to cause the metalorganic vapor to decompose, and then exposing the exhaust gas to an ammonia decomposition catalyst." Similarly, independent claim 17 (Group II) claims an apparatus for treating an exhaust gas containing ammonia and metalorganic vapor "comprising: exposing means for exposing the exhaust gas to a heated bed of one or more materials to cause the metalorganic vapor to decompose and for subsequently exposing the exhaust gas to an ammonia decomposition catalyst." Accordingly, like claims 1 and 14 mentioned above, the subject matter of claims 4 and 11 also overlap.

Thus, in light of the overlapping subject matter of the independent claims demonstrated above, Applicants sincerely submit that it would not be an undue burden to search and examine the subject matter of the 22 claims together. In addition, U.S. Patent Nos. 7,033,548, 7,033,548, 7,022,297, 6,974,565, 6,913,737, 6,863,874, 6,761,863 are seven of a plethora of patents directed to methods and/or apparatuses for treating gases all of which are classified and cross-referenced in both class/subclasses 423/210 and 423/239.1. Thus, a search of one subclass would produce related patents in the other subclass and it appears to a virtual certainty that the Examiner will have to search both subclasses 210 and 239.1 for either group of claims (i.e. Groups I and II). Accordingly, there does not appear to be a serious burden on the Examiner to search all 22 claims in Groups I and II.

For the reasons set forth above, Applicants respectfully request the Examiner to withdraw the restriction requirement. However, if the Examiner insists on maintaining the restriction, Applicants elect claims 1-13 and reserve the right to file a divisional application directed to the non-elected claims.

Respectfully Submitted,



Ira Lee Zebrak  
Registration No. 31,147  
Attorney for Applicant(s)  
Date: 

The BOC Group, Inc.  
575 Mountain Avenue  
Murray Hill, NJ 07974  
Phone: 908-771-6469  
Fax: 908-771-6159